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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,125

Applicant(s)

LAKE ET AL.

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Specification

Claim 11 is objected to because of the following informalities:

In claim 11, line 2, it appears that "upon" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7, 11-13, and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of lines 4-6 of claims 4, 11, and 19 appears inaccurate since Applicants disclose that there is less than one web tail (reversal) per revolution (i.e., there is more than 360 degrees of arc between tails). Note the use of the term "revolution" in claims 2, 9, and 17.

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The language of line 6 of claims 4, 11, and 19 appears inaccurate since the tails of the web are secured by web in following revolutions, not previous ones.

The language of claim 7, line 4 and claim 22, line 4 is unclear since the term "web" on line 1 and in the parent claim appears to exclude cording and rope as possible products.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 8, 11-13, 16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by McDonald et al (U.S. Patent No. 4,034,928).

McDonald et al discloses a rolled web product comprising a core 88 (Figs. 7, 8) having an outer surface and web 40 having a first end and a

second end wrapped around the core. The second end of the web is positioned on the outer circumferential surface of the roll.

The inner (first) end of the outer most bag forming the web 40 is seen to be adjacent the outer surface of the core. In addition, the web 40 on the roll taken as a whole extends from the surface of the core to the outer surface of the roll. Since the web 40 is folded, the web is positioned in a first direction and a second opposite direction in alternating sequence.

With regard to claims 4, 11, and 19, the roll of McDonald et al could be formed by a process involving oscillating revolutions of a core, so it is seen to be the same as the claimed product. A tail is formed in each revolution of the core, a revolution being defined as the angular displacement between reversals in direction of the web

With regard to claims 5, 6, 12, 13, 20, and 21, the location of the overlap formed by the tail upon the outer circumferential surface of the roll inherently changes for each oscillating period of the roll (i.e., at least once during winding of the roll) since the tail overlaps are progressively located radially outward.

The roll of McDonald et al is seen to be identical to the product recited in claim 16, 19, and 22 since it could be formed by the process recited in those claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7, 9, 10, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al.

McDonald et al discloses a rolled web product comprising a core or collapsible airshaft 88 (Figs. 7, 8) having an outer surface and a web 40 having a first end and a second end wrapped around the core. The second end of the web is positioned on the outer circumferential surface of the roll.

The inner (first) end of the outer most bag forming the web 40 is seen to be adjacent the outer surface of the core. In addition, the web 40 on the roll taken as a whole extends from the surface of the core to the outer surface of the roll. Since the web 40 is folded, the web is positioned in a first direction and a second opposite direction in alternating sequence.

McDonald et al does not disclose that the web is wrapped in a first direction upon the core between about 1 and about 3 revolutions or between about 370 and about 720 degrees.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wind the web 1 to 3 revolutions or 370 to 720 degrees in one direction since it is clear from the disclosure of McDonald et al that a satisfactory package can be produced using any desired size of bag and amount of overlap. Note col. 7, lines 21-39.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al in view of Ball (U.S. Patent No. 5,310,056).

McDonald et al discloses a rolled web product comprising a core or collapsible airshaft 88 (Figs. 7, 8) having an outer surface and a web 40 having a first end and a second end wrapped around the core. The second end of the web is positioned on the outer circumferential surface of the roll.

The inner (first) end of the outer most bag forming the web 40 is seen to be adjacent the outer surface of the core. In addition, the web 40 on the roll taken as a whole extends from the surface of the core to the outer surface of the roll. Since the web 40 is folded, the web is positioned in a first direction and a second opposite direction in alternating sequence.

McDonald et al does not disclose a stacked roll assembly or first and second rolls containing connected web.

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Ball teaches winding web on a plurality of rolls with a first end of the web on one roll connected to a second end of web on another roll.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wind the web of McDonald et al in a plurality of connected rolls as taught by Ball to provide a large supply of connected web while providing greater web roll stability than a single large roll of web.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meier (U.S. Patent No. 4,525,982) and Benoit (U.S. Patent No. 4,603,817) are cited to show rolls formed of web having folds or reversals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday and every second Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


sjh
9/22/03


KATHY MATECKI
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